In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 13741 of 2006
Date of Decision: 31.8.2006

Om Parkash

…Petitioner

Versus

State of Haryana & another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Manohar Lall, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made in the instant petition filed under Article 226 of the Constitution is for issuance of a direction to the respondents to treat dearness allowance as dearness pay for reckoning emoluments for the purpose of Retirement Gratuity/Death-cum-Retirement Gratuity and re-fixation of pension of the petitioner, who retired from service prior to 1.4.1995. For the aforementioned relief, reliance has been placed on two Division Bench judgments of this Court in the cases of Hoshiar Singh and others v. State of Haryana - C.W.P. No. 7446 of 2003, decided on 23.9.2005 (P-1) and Sarup Singh and others v. State of Haryana and others – CWP No. 6291 of 2006, decided on 25.4.2006 (P-2). The matter is not res integra as this Court has already opined in favour of the petitioner in the case of

Hoshiar Singh (supra). The petitioner has already stake his claim by sending a legal notice on 14.7.2006 (P-3), which is pending consideration of the respondents and no decision on the same has so far been taken.

In view of above, we deem it just and appropriate to direct the respondents to take cognisance of the legal notice sent by the petitioner and decide the same expeditiously preferably within a period of three months from the date a certified copy of this order is presented to them. If the claim of the petitioner is found to be meritorious and decided in his favour then the benefit accruing to him shall be disbursed within a further period of four months thereafter. It shall be appreciated if the judgments of this Court dated 23.9.2005 (P-1) and 25.4.2006 (P-2) are kept in view and a speaking order is passed.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

August 31, 2006
Pkapoor